

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

KIMBERLY M. GARDNER,

Plaintiff,

v.

CITY OF ST. LOUIS; THE ST. LOUIS
POLICE OFFICERS ASSOCIATION,
FRATERNAL ORDER OF POLICE LODGE
68; JEFFREY ROORDA; GERARD
CARMODY; PATRICK CARMODY;
RYANN CARMODY; and CHARLES
LANE,

Defendants.

Civ. Action No. 4:20-cv-00060

**NOTICE OF PLAINTIFF'S ELECTION TO FILE AMENDED COMPLAINT AS OF
RIGHT AND REQUEST TO HOLD DEFENDANTS' MOTION TO DISMISS IN
ABEYANCE**

Pursuant to Federal Rule of Civil Procedure 15(a)(1)(B), Plaintiff plans to amend her complaint as of right in response to the motion to dismiss filed by Defendants City of St. Louis, Gerard Carmody, Patrick Carmody, and Ryann Carmody. (ECF No. 34.) Accordingly, Plaintiff will not be filing an opposition to the pending motion prior to amendment and requests that the Court hold that motion in abeyance. *See Pure Country, Inc. v. Sigma Chi Fraternity*, 312 F.3d 952, 956 (8th Cir. 2002) (amendment of complaint renders motion to dismiss the original complaint moot).

WHEREFORE, Plaintiff respectfully prays that this Court to grant the foregoing request and for such further and necessary relief as deemed appropriate.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 26, 2020 the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following attorneys of record:

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